REMARKS

Claims 1-6, 8-12, 14-18 and 20 are currently pending. Claims 1, 8, 14 and 15 have been amended. Claims 7, 13 and 19 have been canceled without prejudice.

Claim Objections

The Patent Office objected to claim 14 because of informalities.

Claim 14 has been amended.

Claim Rejections - 35 U.S.C. § 102

The Patent Office rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2003/0196149 by Gygi et al., ("Gygi").

Applicant respectfully traverses. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, <u>arranged as in the claim</u>." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). Emphasis added.

Applicant respectfully submits claims 1, 8 and 15 recite elements which have not been disclosed, taught or suggested by Gygi. For example, claims 1, 8 and 15 generally recite receiving a selected characteristic for testing; controlling a behavior of a target according to said selected characteristic; and validating operation of an initiator, whereby a response of said initiator to said behavior of said target is monitored to ensure proper initiator operation, wherein said selected characteristic for testing is at least one of XFER-READY data request size, disconnect boundaries, failure status packets, data overrun injection, data underrun injection, CRC error injection, protocol violations,

varying simulated spin up times and scatter gather list variation for data.
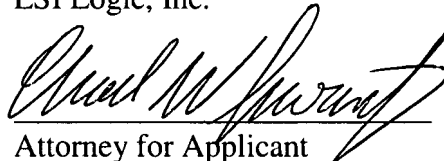
Gygi fails to disclose, teach or suggest testing of a selected characteristic whereby the selected characteristic is at least one of XFER-READY data request size, disconnect boundaries, failure status packets, data overrun injection, data underrun injection, CRC error injection, protocol violations, varying simulated spin up times and scatter gather list variation for data. The Patent Office cites Paragraph [0006] for support of its assertion. However, this paragraph discloses diagnosing data integrity issues including determining if a data integrity error was caused by a write block command error or read block command error. (Gygi, Paragraph [0002]). Gygi fails to disclose, teach or suggest testing of XFER-READY data request size, disconnect boundaries, failure status packets, data overrun injection, data underrun injection, CRC error injection, protocol violations, varying simulated spin up times and scatter gather list variation for data. As a result, elements of claims 1, 8 and 15 have not been disclosed, taught or suggested by Gygi. Under *Lindemann*, a *prima facie* case of anticipation has not been established for claims 1, 8 and 15. Claims 1, 8 and 15 should be allowed. Claims 2-6, 9-12, 14, 16-18 and 20 should be allowed due to their dependence upon an allowable base claim.

CONCLUSION

In light of the forgoing amendments, reconsideration of the claims is hereby requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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